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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,926	06/26/2001	Yasuhiro Ogata	29288.1400	3852

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EXAMINER

SHIBRU, HELEN

ART UNIT PAPER NUMBER

2621

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,926

Applicant(s)

OGATA ET AL.

Examiner

HELEN SHIBRU

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/14/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed 01/05/2006, have been entered and made of record. In view of the Applicants' amendment to the title, the objection to the title is hereby withdrawn. Claims 1-14 are pending.

Response to Arguments

2. Applicant's arguments filed 06/13/05 have been fully considered but they are not persuasive.

In re pages 4 and 5, Applicant states "Katayama fails to disclose "a mute section for muting the first audio signal which is output from the audio signal switch section when the audio signal section switches the second signal to the first audio signal as recited in claim 1."

In response, the examiner respectfully disagrees. The present application claim 1 recites a mute section for muting the first audio signal which is output from the audio signal switch section when the audio signal switch section switches the second audio signal to the first audio signal. The cited 'first' audio signal in the present application is disclosed in Katayama as a 'second' audio signal. When the user requested switching from first audio signal to second audio signal (second audio signal to first audio signal in the present application), both the first and second audio channels are muted in the time interval of t10-t20 (see fig. 6). The audio output of audio channel 2 is outputted at t20 (see col. 8 lines 1-9). The second audio signal will be outputted after the user instructed the switching section to output the signal and the muting state occurs after the user switched the channel (after t10) (see col. 7 lines 30-48 and col. 11 lines 47-64).

In re page 4, Applicant states “An exemplary advantage of this claimed limitation is that the audio and video recording and reproduction apparatus (usable to reproduce audio signals having different volume levels) prevents an audio signal having a different volume level from the previously reproduced audio signal from being output. For example, this prevents the user from feeling uncomfortable/ Katayama fails to recognize this advantage, and consequently, fails to address it.”

3. In response, the Examiner respectfully disagrees. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Katayama (US Pat. No. 5,915,066).

Regarding claim 1, Katayama discloses an audio and video recording and reproduction apparatus, comprising:

an audio signal switch section (system controller (15), gain controller (18) in fig. 9) for outputting one of a first audio signal having a first volume level (amplitude) and a second audio signal having a second volume level by a switching operation (see col. 6 lines 40-44 and col. 7

lines 24-48. After the channel is switched (first audio signal by second audio signal, the amplitude is controlled by the gain controller); and

a mute section for muting the first audio signal which is output from the audio signal switch section when the audio signal switch section switches the second audio signal to the first audio signal (see col. 6 lines 33-37 and col. 11 lines 46-64).

Regarding claim 2, Katayama discloses the mute section mutes the second audio signal which is output from the audio signal switch section when the audio signal switch section switches the first audio signal to the second audio signal (see col. 7 lines 59-67).

Regarding claim 3, Katayama discloses the first audio signal includes an external audio signal (see col. 9 lines 36-42).

Regarding claim 4, Katayama discloses the first audio signal includes an audio signal reproduced from an audio and video recording and reproduction medium (see col. 8 lines 53-60, the software).

Regarding claim 5, Katayama discloses the second audio signal includes an audio signal reproduced from an audio and video reproduction-only medium (see col. 14 lines 15-25).

Regarding claim 6, Katayama discloses the second audio signal includes an audio signal reproduced from an audio reproduction-only medium (see col. 14 lines 33-44).

Regarding claim 7, Katayama discloses the first audio signal includes an external audio signal (see col. 9 lines 36-42 or claim rejection 3 above),

the second audio signal is reproduced from a reproduction-only medium (see col. 14 lines 15-25 and col. 14 lines 33-34) ,

the first volume level of the first audio signal and the second volume level of the second audio signal are different from each other (see col. 7 lines 24-48. The gain controller controls the amplitude level for each audio),

the audio and video recording and reproduction apparatus has a reproduction mode for reproducing the second audio signal from the reproduction-only medium and a stop mode for stopping the reproduction of the second audio signal from the reproduction-only medium (see col. 7 lines 57-67 and col. 11 lines 47-64) and

the audio signal switch section switches the second audio signal to the first audio signal when the reproduction mode is switched to the stop mode (see col. 8 lines 3-9).

Regarding claim 8, Katayama discloses a video switch section for outputting a first video signal corresponding to the first audio signal or a second video signal corresponding to the second audio signal by a switching operation (see col. 11 lines 3-11 and 47-64 and fig. 18).

Regarding claim 9, Katayama discloses the first video signal includes an external video signal (see col. 9 lines 37-46, VOB)

Regarding claim 10, Katayama discloses the first video signal includes a video signal reproduced from an audio and video recording and reproduction medium (see col. 8 lines 53-60).

Regarding claim 11, Katayama discloses the second video signal includes a video signal reproduced from an audio and video reproduction-only medium (see col. 14 lines 15-25).

Regarding claim 12, Katayama discloses the second video signal includes a still picture signal reproduced from a still picture signal medium (see col. 11 lines 3-12 sub-picture).

Regarding claim 14, Katayama discloses the second video signal includes a still picture signal reproduced from a still picture medium (see col. 9 lines 21-30 and col. 12 lines 15-23), and the video switch section outputs the still picture signal when the mute section mutes the first audio signal (see col. 10 line 65-col. 11 line 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama.

Regarding claim 13, although Katayama does not specifically teach audio and video recording and reproduction apparatus has a reproduction mode for reproducing the third video signal from the audio and video reproduction-only medium and a stop mode for stopping the reproduction of the third video signal from the audio and video reproduction-only medium, Katayama does teach the second video signal includes a third video signal reproduced from the audio and video reproduction-only medium (see col. 14 lines 15-25) and a still picture signal reproduced from a still picture signal medium (see col. 14 lines 4-14). Katayama further teaches the video signal switch section switches the third video signal to the still picture signal when the reproduction mode is switched to the stop mode (see col. 10 line 65-col. 11 line 11). Official Notice is given that it would have been obvious to one of ordinary skill in the art at the time the

invention was made to reproduce a sub clip from a clip in editing system in order to use it as many times as the user wants.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

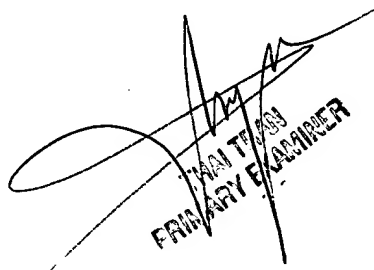
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru
March 8, 2006


PRIMARY EXAMINER